

REMARKS

The present application was filed on September 26, 2003 with claims 1 through 25. Claims 1 through 25 are presently pending in the above-identified patent application. Claims 1, 14 and 19 are proposed to be amended.

In the Office Action, the Examiner rejected claims 3 and 21 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner rejected claims 1-25 under 35 U.S.C. §102(e) as being anticipated by Appelman (WO 03/098425).

Section 112 Rejection

Claims 3 and 21 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that it is not clear what corresponds to a standard format. Applicants submit that the specification clearly describes how the presence information extracted from a plurality of presence data stores can be stored in a standard format, such as a Lightweight Directory Access Protocol (LDAP) datastore 380. See, for example, page 9, lines 25-30.

Thus, Applicants respectfully request the withdrawal of the rejection of claims 3 and 21 under Section 112, second paragraph.

Independent Claims 1, 14 and 19

Independent claims 1, 14 and 19 were rejected under 35 U.S.C. §102(e) as being anticipated by Appelman. With regard to claims 1 and 19, for example, the Examiner asserts that Appelman teaches a method for delivering an email message to a recipient, comprising: receiving said email message from a sender (page 19, lines 14-15); obtaining a presence status of said sender from a presence server (page 20, lines 17-22; page 21, lines 4-7; 29-31), wherein said presence status indicates a presence status of said sender across a plurality of domains (page 21, lines 29-31); and delivering said email message to said recipient with an indication of a presence of said sender (page 2, lines 8-14).

Appelman, however, merely discloses that a "status of online presence for the referenced individual may be made available." Appelman, however, does *not*

disclose or suggest that the “presence status indicates a presence status of said sender *across a plurality of domains*,” as required by each independent claim. Rather, Appelman would depict the presence in only a single domain, such as the AOL network associated with the assignee of Appelman. While the passage at page 21, lines 29-31, referenced by the Examiner, may identify supplemental contact information, there is no disclosure or suggestion that such supplemental contact information is delivered with the email message to the recipient.

Independent claims 1 and 19, as amended, require delivering said email message to said recipient *with an indication of a presence of said sender on one or more of said plurality of domains*. Independent claim 14, as amended, is directed to a method for delivering an email message to a recipient and requires obtaining a presence status of said sender *across a plurality of domains*; and providing a mechanism *with said delivered email* for said recipient to automatically respond to said sender at a device associated with at least one of a plurality of domains where said sender is believed to be present.

Thus, Appelman does not disclose or suggest delivering said email message to said recipient with an indication of a presence of said sender *on one or more of said plurality of domains*, as required by claims 1 and 19, as amended, and does not disclose or suggest obtaining a presence status of said sender across a plurality of domains; and providing a mechanism with said delivered email for said recipient to automatically respond to said sender at a device associated with at least one of said plurality of domains where said sender is believed to be present, as required by claim 14, as amended.

Applicants respectfully request the withdrawal of the rejection of independent claims 1, 14 and 19.

Dependent Claims

Claims 2-13, 15-18 and 20-25 are dependent on independent claims 1, 14 and 19, and are therefore patentably distinguished over Appelman because of their dependency from independent claims 1, 14 and 19 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-25, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560